



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
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AUG 13 2001

Ref: EPR-N

August 13, 2001

Chas Cartwright, Superintendent
Devils Tower National Monument
P.O. Box 10
Devils Tower, Wyoming 82714

ROUTE	Received	Devils Tower NM	ACTIONS	INITIALS
	AUG 16 2001			
<input checked="" type="checkbox"/>	Superintendent			
<input checked="" type="checkbox"/>	Admin. Officer			
	Admin. Asst.			
	Chief Ranger			
	Vis. Use Asst.			
	Res. Man. Spec.			
	Biotech			
	Chief of Interp.			
	Park Ranger			
	Fac. Manager			
	Maint. Worker			
	Maint. Worker			
	<input checked="" type="checkbox"/> File <input type="checkbox"/> Return to: <input type="checkbox"/> Loss			
Due Date: _____				

RE: Devils Tower National Monument General
Draft Management Plan/Environmental
Impact Statement

Dear Mr. Cartwright:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, the Region 8 office of the Environmental Protection Agency (EPA) has reviewed the referenced Draft Management Plan/Environmental Impact Statement (DEIS). This letter transmits our rating on the preferred alternative.

Summary of Alternatives

Alternative 1 is the no-action alternative and under this alternative, current management of the monument would continue.

Alternative 2 would institute a reservation system for visitors and would return some developed areas to natural vegetation.

Alternative 3 (the preferred alternative) would establish a shuttle system during peak monument usage. The paved area near the base of the Tower would be converted to a landscaped pedestrian plaza designed with sensitivity to the historic context. More importantly the campground in the Belle Fourche River riparian zone would be eliminated and the area restored to natural conditions.

Alternative 4 would also establish a shuttle system with a parking area outside the monument. In addition, monument administration buildings would also be located outside the monument boundary. However, the campground would remain.



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Alternative 5 would increase monument facilities, such as parking, to reduce congestion. No shuttle system would be added.

Review and Rating of the Preferred Alternative

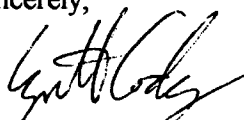
It is EPA policy to provide a general rating specifically on the preferred alternative and individually rate all alternatives if necessary. The Preferred Alternative or Alternative 3 receives a rating of **LO-1** (lack of objections, adequate). A full description of EPA's EIS rating system is enclosed.

The important components of Alternative 3 include the addition of the shuttle system during peak visitor periods, increasing opportunities for solitude in the northwest corner of the monument, and the removal of the campground. As a result, this alternative will improve the visitor's experience and conserve resources. EPA supports the NPS's efforts to reduce vehicle congestion by introducing a shuttle service rather than taking additional monument space to provide wider roads, bigger pullouts and more parking at the base of the Tower.

The only comment we have, concerns the DEIS use of EPA's 1998 Environmental Justice Guidance. Our review of the Draft Management Plan highlights what we believe to be a misinterpretation of EPA's EJ guidance, which was cited in the plan as the basis for the dismissal of the need for an environmental justice analysis. EPA's Office of Federal Activities has released two similar guidance documents, with different purposes. The 1998 guidance cited in the plan is meant to augment the Council on Environmental Quality's Environmental Justice Guidance Under NEPA (1997) and is meant to guide EPA in the conduct of environmental assessment when it must comply with NEPA. As such, it does not apply to other federal agencies, but can certainly be used as a reference. In that spirit, we would like to point out that cultural resource impacts are considered to be within the scope of "environmental effects" as described in Executive Order 12898. (See pages 4 and 18 of the 1998 Guidance). "This concept, deriving from the definition of the environment under NEPA, is also consistent with the CEQ guidance as well as the second EJ/NEPA guidance issued by EPA's Office of Federal Activities, "Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Reviews" (1999). This document applies to EPA when it reviews the federal actions of other agencies.

The following individuals are excellent resources concerning environmental justice issues at our regional and national level: Deldi Reyes (303-312-6055), Region 8; and Nicholas Targ (202-564-2406), Office of Environmental Justice. If you have additional questions about our rating, please contact Gregory Oberley at (303) 312-7043.

Sincerely,



Cynthia Cody, Chief
NEPA Unit
Ecosystems Protection Program

Enclosure

cc: Deldi Reyes, EPA

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO - - Lack of Objections

The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.